



City of San Diego

CARL DEMAIO
CITY COUNCILMEMBER –DISTRICT 5

DONNA FRYE
CITY COUNCILMEMBER –DISTRICT 6

MEMORANDUM

DATE: July 27, 2009

TO: Honorable Mayor and City Councilmembers
City Attorney

FROM: Councilmember Carl DeMaio *Carl DeMaio*
Councilmember Donna Frye *Donna Frye*

RE: Ethics Commission Appointments Pending Action on Comprehensive Reform

As proposed in our July 16, 2009 memorandum, we respectfully request that Item 110 on the Tuesday, July 28 City Council Docket be returned to the Mayor's Office. We request the City Attorney review and the Council take action on our proposed reforms to improve the integrity and independence of the appointments process to the city's Ethics Commission.

Questions raised over the current round of appointments to the Commission have reinforced our concern that the public would be better served if a panel of three retired judges, rather than elected city officials, appoint the Ethics Commissioners.

The reformed process would work as follows:

Step 1: Selection of Retired Judges Panel

Every two years to coincide with the sunset of Commissioners' terms, the City Attorney would request local retired judges to serve on the selection panel for Ethics Commissioners. Judges interested in serving would submit their name to the City Attorney and three judges would be selected by lot.

Step 2: Public Application Process

At least 90 days before terms sunset, the City Clerk would open a public application process for seats on the Ethics Commission. Members of the public can apply through the Clerk's Office, or can be recommended by the Mayor, City Attorney, or individual Council Members. After a 30-day application window, the roster of applicants and supporting information (resumes, letters of interest/support, etc.) would be submitted to the panel of judges.

Step 3: Confirmation of Commissioners by Panel of Judges

The Panel of Judges would select from the applicant pool – with the current criteria regarding experience being used as a guide for selection.

In addition, we propose that one additional criteria be imposed: *individuals who served in a paid staff capacity for current elected officials within the last five years be disqualified from consideration.*

The selection of the Panel of Judges would be submitted to the City Council and would take effect 30 days after the City Council's receipt – in public hearing – of their report.

Given the desire to make final appointments to the Ethics Commission as soon as possible, we ask that these reforms be codified into an ordinance amending the existing municipal code language governing the appointment and confirmation process of the Ethics Commission. We request that the ordinance be docketed at the full City Council in September.

Reforming the appointments process will not impede the current work of the Ethics Commission. Consistent with the municipal code, while the City Council considers these comprehensive reforms to the appointments process, the current Ethics Commissioners will continue to serve in their terms.

We hope you share our concern that the city reform the appointment and confirmation process to provide the maximum independence for the Commission and enhance public confidence in the oversight of the conduct of city officials.

CC: City Attorney
San Diego City Ethics Commission